

Court  
copy

First Mailing

Attachment  
Proof of Service

(WDNC Rev. 05/11) Summons in a Civil Action

Civil Action No. 3:19CV453-GM

**PROOF OF SERVICE**

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(1))

This summons for (name of individual and title, if any)

STATE OF N.C. and At. General Josh STEIN

was received by me on (date) \_\_\_\_\_.

FILED  
CHARLOTTE, NC

SEP 24 2019

US DISTRICT COURT  
WESTERN DISTRICT OF NC

- ☒ I personally served the summons on the defendant at  
(place) 114 W. Edenton ST Raleigh, NC 27603  
on (date) Friday 13th September 2019; or
- ☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_, a person of suitable age and discretion who resides there, on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or
- ☒ I served the summons on (name of individual) STATE OF NORTH CAROLINA, who is designated by law to accept service of process on behalf of (name of organization) \_\_\_\_\_ on (date) \_\_\_\_\_; or
- ☐ I returned the summons unexecuted because \_\_\_\_\_; or
- ☒ Other (specify):  
Sent by Registered MAIL USPS.

My fees are \$ 50.00 for travel and \$ 50.00 for services, for a total of \$ 100.00.

I declare under penalty of perjury that this information is true.

Date: 9-13-2019

Empress Nindi El Bey  
Server's signature

EMPRESS NINDI EL BEY  
Printed name and title

First Mailing Attachment  
 Proof of Service  
 1st Address Location

<b>Registered No.</b> RE174912206US		<b>Date Stamp</b> 0219 97	
<b>To Be Completed By Customer By Post Office</b>	Reg. Fee	\$1.90	
	Handling Charge	\$97.45	Return Receipt
	Postage	\$0.00	Restricted Delivery
		\$0.00	
	Received by	\$0.00	
		\$99.35	
Customer Must Declare Domestic Insurance up to \$25,000 is included Full Value \$50,000.00, 09/13/2019 the declared value. International Indemnity is limited. (See Reverse).			
<b>OFFICIAL USE</b>			
<b>To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed</b>	FROM	CHARLOTTE, NC 28205 Empress Ninth EIBEV C/O 401 Hawthorne Lane NO. 110-289 Imperial City, North Carolina Territory near [28204]	
	TO	STATE of North Carolina / Dept of Justice OFFICE of Attorney General / Josh Stein 114 W. Edenton St. Raleigh NC 27603	

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer  
 May 2007 (7530-02-000-9051) (See Information on Reverse)  
 For domestic delivery information, visit our website at www.usps.com®

Second Mailing Attachment  
Proof of Service  
2nd Address Location

Civil Action No. **3:19 CV453-GM**

**PROOF OF SERVICE**

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(1))

FILED  
CHARLOTTE, NC  
SEP 24 2019  
US DISTRICT COURT  
WESTERN DISTRICT OF NC

This summons for (name of individual and title, if any)  
STATE N.C. Attorney General's Office, Josh STEIN  
was received by me on (date) \_\_\_\_\_.

- ☐ I personally served the summons on the defendant at  
(place) \_\_\_\_\_  
on (date) \_\_\_\_\_; or
- ☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_,  
a person of suitable age and discretion who  
resides there, on (date) \_\_\_\_\_, and mailed a copy to the individual's last  
known address; or

☒ I served the summons on (name of individual) ATTORNEY General ROY COOPER  
STATE OF NORTH CAROLINA  
who is designated by law to accept service of process on behalf of (name of organization)  
9/20/2019 on (date) \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☒ Other (specify):  
Sent by Registered MAIL U.S.P.S. \$100.00

My fees are \$ 50.00 for travel and \$ 50.00 for services, for a total of  
\$ 200.00.

I declare under penalty of perjury that this information is true.

Date: 9-20-2019

Empress Nimiti Elbey  
Server's signature

Empress Nimiti ELBEY  
Printed name and title

Second Mailing Attachment  
Proof of Service  
2nd Address Location

Registered No. RE174912268US		Date Stamp 0219 09
To Be Completed By Post Office	Postage \$ <b>\$1.75</b>	Extra Services & Fees (continued)
	Extra Services & Fees	<input type="checkbox"/> Signature Confirmation
	<input type="checkbox"/> Registered Mail \$ <b>\$97.45</b>	\$
	<input type="checkbox"/> Return Receipt (hardcopy) \$ <b>\$0.00</b>	<input type="checkbox"/> Signature Confirmation Restricted Delivery
	<input type="checkbox"/> Return Receipt (electronic) \$ <b>\$0.00</b>	\$
	<input type="checkbox"/> Restricted Delivery \$	Total Postage & Fees <b>\$ \$99.20</b>
Customer Must Declare Full Value \$ <b>50,000.00</b>		Received by 09/20/2019
		Domestic Insurance up to \$50,000 is included based upon the declared value. International indemnity is limited. (See Reverse).

## OFFICIAL USE

To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	EMPRESS WITH EL BEY 401 Hawthorne Lane #110-289 Imperial City, North Carolina Terricotta near [28204] STATE OF NORTH CAROLINA INC. OFFICE OF THE Attorney General of N.C. JOSH STEIN, 1505 Mail Service Center Raleigh, NC 27699-1505
	TO	

PS Form 3806, Registered Mail Receipt Copy 1 - Customer  
 April 2015, PSN 7530-02-000-9051 (See Information on Reverse)  
 For domestic delivery information, visit our website at [www.usps.com](http://www.usps.com)

Debit Card Remit'd \$99.20  
 (Card Name: MasterCard)  
 (Account #: XXXXXXXXXXXXX2764)  
 (Approval #)  
 (Transaction #: 669)  
 (Receipt #: 020872)

UNITED STATES DISTRICT COURT  
for the  
Western District of North Carolina

**Claimant**  
Plaintiff

Empress Ninti El Bey  
A Full Equity Moor  
A borignine Moor

Civil Action No. 3:19CV453-GM

Defendant

SUMMONS IN A CIVIL ACTION

TO: (Defendant's name and address)

State of North Carolina Inc.  
Office of Attorney General of  
North Carolina Josh Stein

114 W. Edenton St. Raleigh, NC 27603

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) – or 60 days if you are named as a defendant within an asbestos litigation case - you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

40401 Hawthorne Lane 110-289  
Empress Ninti El Bey  
Imperial city, North Carolina territory [29204]

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



Frank G. Johns

Date 9/13/2019

Frank G. Johns, Clerk  
United States District Court

## CASE ASSIGNMENT NOTICE

All civil cases filed in the Western District of North Carolina are assigned to an Article III U.S. District Court Judge upon initial filing.

This case has been assigned to the following judge:

- ☐ Honorable Richard L. Voorhees
- ☐ Honorable Robert J. Conrad, Jr.
- ☐ Honorable Frank D. Whitney
- ☐ Honorable Martin K. Reidinger
- ☐ Honorable Max O. Cogburn, Jr.
- ☒ Honorable Graham C. Mullen, Senior Judge

Attached to this notice you will find the following forms:

- Joint Stipulation of Consent to the Exercise of Jurisdiction by a U.S. Magistrate Judge
- Disclosure of Corporate Affiliations and Other Entities with a Direct Financial Interest in Litigation
- Certification and Report of F.R.C.P. 26(f) Conference and Discovery Plan

Counsel may consent to the jurisdiction of a U.S. Magistrate Judge by filing a ***Joint Consent to the Exercise of Jurisdiction by a United States Magistrate Judge***. Counsel may consent to magistrate judge jurisdiction any time after service of the contents of this packet on the parties and are now **REQUIRED** to discuss the issue of consent to the jurisdiction of a magistrate judge at the Rule 26 (Initial Attorney's Conference) and if consent of **ALL** parties is granted, file a ***JOINT STIPULATION OF CONSENT. These forms are included in this packet.***

The Plaintiff is required to serve this Notice and the attached forms on all defendants with service of the complaint. In removal actions, the removing party shall be responsible for the service of this Notice and the attached forms.

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The Local Rules and Court Forms are available on the Court's website  
at [www.ncwd.uscourts.gov](http://www.ncwd.uscourts.gov)

## **Notice of Availability of Magistrate Judge to Exercise Jurisdiction**

(Form 33 Notice)

In accordance with the provisions of Title 28, United States Code, Section 636(c), you are hereby notified that a United States magistrate judge of this District Court is available to exercise the Court's jurisdiction and to conduct any or all proceedings in this case including a jury or nonjury trial, and entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted ***only if all parties voluntarily consent***.

You may, without adverse substantive consequences, withhold your consent. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned. Failure to file the Joint Stipulation of Consent constitutes the withholding of consent, no declination of consent is to be filed.

An appeal from a judgment entered by a magistrate judge may be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Consent to the jurisdiction of a magistrate judge is exercised in this district by the filing of a ***Joint Stipulation of Consent*** which is to be executed by the parties any time after service of this Notice but not later than immediately after the Initial Attorney's Conference. To withhold consent to the jurisdiction of a magistrate judge the parties are **NOT** to file anything; the case will remain with the Article III judge already assigned to the case. Parties are reminded that each Article III judge may and regularly do refer civil matters to the magistrate judges in this district in accordance with their own Order of Reference. Orders of Reference for each Article III judge are available on the court's web site at [www.ncwd.uscourts.gov](http://www.ncwd.uscourts.gov).

Local Rule 16.1(A) requires that "as soon as practicable, and in any event not later than fourteen (14) days from joinder of the issues the parties or their counsel shall confer as provided by Fed. R. Civ. P. 26(f), and conduct an "Initial Attorney's Conference." The parties are directed to discuss the issue of consent to the jurisdiction of a magistrate judge at this conference, and if ***ALL*** parties agree, execute a ***Joint Stipulation of Consent*** and file this stipulation with the Certification and Report of Initial Attorneys Conference as required by the above local rule.

Local Rule 16.1(B) defines joinder of issues for the limited purpose of the local rules as occurring "when the last responsive pleading other than a Motion to Dismiss is filed. Where a briefed Motion to Dismiss is filed, either as a separate pleading or is included in the Answer and accompanied by a brief, joinder of the issues does not occur until that motion is resolved and the Answer to the Complaint, Reply to a Counterclaim, or Answer to a Cross claim is filed. Motions to dismiss contained in an Answer, but not supported by a brief, simply preserve the motion and do not prevent joinder of the issues."



UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

Empress Ninti El Bey Plaintiff(s),  
A Full Equity, Aborigine Moor  
vs. Claimant  
STATE of North Carolina, Inc.  
Office of Attorney General, et al.  
Josh STEW/Department of Justice  
114 N. Blanton St.  
Raleigh, NC 27603 Defendant(s).

Case No. 3:19CV 453

DISCLOSURE OF CORPORATE AFFILIATIONS AND OTHER  
ENTITIES WITH A DIRECT FINANCIAL INTEREST IN  
LITIGATION

ONLY ONE FORM NEED BE COMPLETED FOR EACH NONGOVERNMENTAL PARTY EVEN IF THE PARTY IS REPRESENTED BY MORE THAN ONE ATTORNEY. DISCLOSURES MUST BE FILED ON BEHALF OF INDIVIDUAL NONGOVERNMENTAL PARTIES AS WELL AS NONGOVERNMENTAL CORPORATE PARTIES. COUNSEL HAVE A CONTINUING DUTY TO UPDATE THIS INFORMATION. PLEASE FILE AN ORIGINAL AND ONE COPY OF THIS FORM. PLAINTIFF OR MOVING PARTY MUST SERVE THIS ON THE DEFENDANT(S) OR RESPONDENT(S) WHEN INITIAL SERVICE IS MADE.

Empress Ninti El Bey, Claimant who is Moving Party Claimant  
(Name of party.) (Plaintiff/moving party or defendant)

makes the following disclosure:

1. Is party a publicly held corporation or other publicly held entity ?  
( ) Yes (✓) No
2. Does party have any parent corporations ?  
( ) Yes (✓) No  
If yes, identify all parent corporations, including grandparent and great-grandparent corporations:
3. Is 10% or more of the stock of a party owned by a publicly held corporation or other publicly held entity ?  
( ) Yes (✓) No  
If yes, identify all such owners:
4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation ?  
( ) Yes (✓) No  
If yes, identify entity and nature of interest:

Empress Ninti El Bey  
(Signature)

9/20/2019  
(Date)



**Joint Stipulation of Consent to Exercise of Jurisdiction**  
**by a United States Magistrate Judge**  
(Form 34 Consent Form)

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA

*Empress Ninti El Bey*  
*A Full Equity*  
*Aborigine Moor,*  
*Claimant*

Plaintiff,

Vs.

Case Number: **3:19CV453**

*STATE of North Carolina, Inc.*  
*Office of Attorney General of*  
*North Carolina, Josh Stein/Department*  
*of Justice, 114 W. Edenton St Raleigh*  
*NC 27603*

Defendant.

In accordance with the provisions of Title 28, United States Code, Section 636(c) and Fed. R. Civ. P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in the case, including the trial, order the entry of a final judgment and conduct all post-judgment proceedings.

*Empress Ninti El Bey*  
\_\_\_\_\_  
Counsel's Signature

*Claimant*  
\_\_\_\_\_  
Party

*9/20/2019*  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Counsel's Signature

\_\_\_\_\_  
Party

\_\_\_\_\_  
Date

\_\_\_\_\_  
Counsel's Signature

\_\_\_\_\_  
Party

\_\_\_\_\_  
Date

\_\_\_\_\_  
Counsel's Signature

\_\_\_\_\_  
Party

\_\_\_\_\_  
Date

\_\_\_\_\_  
Counsel's Signature

\_\_\_\_\_  
Party

\_\_\_\_\_  
Date

**Note: Return this form to the Clerk of the Court ONLY if all parties have consented on this form to the exercise of jurisdiction by a United States magistrate judge.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

DIVISION  
CIVIL NO. 3:19 CV 453

Empress Ninkie ELBEK  
A Full Equity, Aborigine Moor

Claimant

vs.

STATE of North Carolina INC.  
OFFICE of Attorney General of  
North Carolina  
JOSH STEIN/DEPARTMENT OF  
JUSTICE  
114 W. Edenton St.  
Raleigh, North Carolina  
27603  
Defendant[s].

**CERTIFICATION AND REPORT OF**  
**F.R.C.P. 26(f) CONFERENCE**  
**AND DISCOVERY PLAN**

Please fill in or check the appropriate blanks (print legibly) to certify completion of the Rule 26(f) Attorney's Conference and provide the required information to the Court. Where the parties were unable to agree on a specific provision or item, please so note and attach any necessary explanation. Please note that this information will be used as a guideline by the judge conducting the Initial Pretrial Conference or issuing the Initial Pretrial Order.

1. Certification of Conference. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on \_\_\_\_\_ (date) [ ] at \_\_\_\_\_ (place) or [ ] by telephone and was conducted by the undersigned counsel for the designated parties in the above-captioned case.

2. Pre-Discovery Disclosures. The information required by Fed. R. Civ. P. 26(a)(1) (check one) ☒ has been exchanged ☒ will be exchanged by 9/29/2019 (date).

3. Discovery Plan. The parties jointly propose to the court the following discovery plan: *[Use separate paragraphs or subparagraphs as necessary if parties disagree.]*

a) All discovery shall be commenced in time to be completed by \_\_\_\_\_ (date).

*[if needed]* Discovery on \_\_\_\_\_

\_\_\_\_\_ (identify any issues requiring early discovery) will be completed by \_\_\_\_\_ (date).

b) Discovery Limits:

- 1) Maximum of \_\_\_\_\_ (ordinarily 20) interrogatories by each party to any other party.
- 2) Maximum of \_\_\_\_\_ (ordinarily 20) requests for admission by each party to any other party.
- 3) Maximum of \_\_\_\_\_ depositions by plaintiff(s) and \_\_\_\_\_ by defendant(s) (ordinarily 6 each) [or \_\_\_\_\_ by each plaintiff and \_\_\_\_\_ by each defendant].

c) Reports from retained experts under Rule 26(a)(2) will be due:

-from plaintiff(s) by \_\_\_\_\_ (date)

-from defendant(s) by \_\_\_\_\_ (date)

Supplementations under Rule 26(e) due \_\_\_\_\_ (list time(s) or interval(s))

4. Other Items. *[Attach separate paragraphs as necessary if parties disagree.]*

a) The parties ☐ request ☒ do not request a conference with the court before entry of the scheduling order.

b) All potentially dispositive motions should be filed by \_\_\_\_\_ (date, ordinarily one month after the close of discovery)

c) Settlement:

☐ is likely

☐ is unlikely

☐ cannot be evaluated prior to \_\_\_\_\_ (date)

☒ may be enhanced by use of the following ADR procedure:

☐ Mediated Settlement Conference

☐ binding arbitration

☒ judicial settlement conference

☐ other \_\_\_\_\_

The parties agree that the above selected ADR procedure would be most useful if conducted:

- ☐ after resolution of any outstanding dispositive motions, but prior to further discovery;  
☐ after an initial round of preliminary discovery to be completed by \_\_\_\_\_ (date);  
☐ after the completion of discovery;  
☐ after resolution of summary judgment motions, if any  
☒ not applicable.

d) Final lists of witnesses and exhibits under Rule 26(a)(3) are due:

from plaintiff(s) by 9/29/2019 (date)

from defendant(s) by 9/29/2019 (date)

e) If the case is ultimately tried, trial is expected to take approximately \_\_\_\_\_ days.

f) ☐ The parties have discussed the issue of consent to the jurisdiction of a U.S. magistrate judge.

5. Please identify any other matters regarding discovery or case management which may require the Court's attention (e.g., concerns re: confidentiality, protective orders, etc., unmovable scheduling conflicts)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Emerson White 9/20/2019  
Counsel Party Date

\_\_\_\_\_  
Defendant's Counsel Party Date

\_\_\_\_\_  
Plaintiff's Counsel Party Date

\_\_\_\_\_  
Defendant's Counsel Party Date

\_\_\_\_\_  
Plaintiff's Counsel Party Date

\_\_\_\_\_  
Defendant's Counsel Party Date

\_\_\_\_\_  
Plaintiff's Counsel Party Date

\_\_\_\_\_  
Defendant's Counsel Party Date

\_\_\_\_\_  
Plaintiff's Counsel Party Date

\_\_\_\_\_  
Defendant's Counsel Party Date

(attach additional sheets if necessary)